



Express Mail Label No.: EV292463740US  
Date of Deposit: February 17, 2005  
Docket No.: C1039.70083US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/690,495  
Confirmation No.: 8657  
Filed: October 21, 2003  
For: IMMUNOMODULATORY OLIGONUCLEOTIDES  
Examiner: Patricia Ann Duffy  
Art Unit: 1645

**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case. No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless they are United States patents or United States patent application publications. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/690,495		ATTY. DOCKET NO.: C1039.70083US00	
				FILING DATE: October 21, 2003		CONFIRMATION NO.: 8657	
				APPLICANT: Krieg et al.			
				GROUP ART UNIT: 1645		EXAMINER: Patricia Ann Duffy	
Sheet	1	of	1				

#### U.S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		US 6,693,086	B1	Dow et al.	02-17-2004
		US 2004/0247662	A1	Dow et al.	12-09-2004
		US 2004/0157791	A1	Dow et al.	08.12.2004
		US 2005/0013812	A1	Dow et al.	01.20.2005
		US 2003/0022854	A1	Dow et al.	01.30.03

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_, filed \_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

**INTERFERENCE INITIAL MEMORANDUM****To the Board of Patent Appeals and Interferences:**An interference is proposed involving the following 2 parties—

PARTY University of Iowa Research Foundation, United States of America, Coley Pharmaceutical Group, Inc.	APPLICATION NO. 10/690,495	FILING DATE October 21, 2003	PATENT NO., IF ANY	ISSUE DATE, IF ANY
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If the involved case is a patent, have its maintenance fees been paid? Yes \_\_\_ No \_\_\_ Not Due yet \_\_\_\_\_

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
USA	09/415,142	October 9, 1999		
USA	08/386,063	February 7, 1995	US 6,194,388 B1	February 27, 2001
USA	08/276,358	July 15, 1994		

The claim(s) of this party corresponding to this count: 52-64

PATENTED OR PATENTABLE PENDING CLAIMS

52-64

UNPATENTABLE PENDING CLAIMS

The claim(s) of this party NOT corresponding to this count: 65-77

PATENTED OR PATENTABLE PENDING CLAIMS

65-77

UNPATENTABLE PENDING CLAIMS

PARTY National Jewish Medical and Research Center	APPLICATION NO. 09/104,759	FILING DATE June 25, 1998	PATENT NO., IF ANY US 6,693,086 B1	ISSUE DATE, IF ANY February 17, 2004
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If the involved case is a patent, have its maintenance fees been paid? Yes \_\_\_ No \_\_\_ Not Due Yet XX, \_\_\_\_\_

Proposed priority benefit (list all intervening applications necessary for continuity):

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
NONE				

The claim(s) of this party corresponding to this count: 1-9

PATENTED OR PATENTABLE PENDING CLAIMS

1-9

UNPATENTABLE PENDING CLAIMS

The claim(s) of this party NOT corresponding to this count: 10-18

PATENTED OR PATENTABLE PENDING CLAIMS

10-18

UNPATENTABLE PENDING CLAIMS

(Check off each step, if applicable) INSTRUCTIONS

- ☐ 1. Obtain all files listed above
- ☐ 2. Confirm that the proposed involved claims are still active and all corrections and entered amendments have been considered. The patents must not be expired for, among other things, failure to pay a maintenance fee (Check PALM screen 2970).
- ☐ 3. If one of the involved files is a published application or a patent, check for compliance with 35 U.S.C. 135(b).
- ☐ 4. Obtain a certified copy of any foreign benefit documents where necessary (37 CFR 1.55(a)).
- ☐ 5. Discuss the proposed interference with an Interference Practice Specialist in your Technology Center.

DATE	PRIMARY EXAMINER (signature)	ART UNIT	TELEPHONE NO.
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# MANUAL OF PATENT EXAMINING PROCEDURE

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count 1:       the composition of claim 1 of patent no. 6,693,086  
                                or  
                    the composition of claim 52 of application serial no. 10/690,495